

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Arbitration – Suits – Settlement of the Arbitration Award dt.27-10-1988 with the SPA Holder of the Contractor for an amount of Rs.13,60,000/- as full and final settlement of the Earth Work Excavation and forming Embankment of Kakatiya (G.S.Main) Canal from KM.164 to 165 awarded to Sri K.Jagannath Reddy, Contractor vide Agreement No.3/1978-79, dated 05-12-1978 - Sanction – Orders - Issued.

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IRRIGATION AND COMMAND AREA DEVELOPMENT(ARB)DEPARTMENT

G.O.Ms.No. 20

Dated the day of 2nd March,2010.
Read the following:

1. From Sri K.Jagannath Reddy, Contractor, representation dated 28-08-2008.
2. From the Administrator-cum-Chief Engineer, Sriramasagar Project, Hyd., Lr.No.SRSP.II/DEE2/AE-3/14329/94/2008, dated 21-11-2008.
3. Govt.Memo.No.27237/ARB.08, dated 05-01-2009.
4. From the ENC (IW), I & CAD Dept., Hyd., Lr.No.ENC/IW/P&M/EE.I/DEE.8/08-1, dated 25-03-2009 and 29-08-2009.
5. From Smt.D.Padmavathi, Advocate, Hyderabad, SPA holder of Sri K. Jagannath Reddy, Contractor, repn.dt.20-07-2009.

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O R D E R:

Sri K.Jagannath Reddy, Contractor in the reference first read above, has stated that the Earth work excavation and forming embankment of Kakatiya (G.S. Main) Canal from K.M.164 to 165 was awarded to him vide agreement No.3/78-79, dt.05-12-1978. In the course of the contract, certain disputes arose between the parties. On his application, the Court has appointed a sole Arbitrator. After hearing both sides, the Sole Arbitrator has passed an award. As the Dept. did not pay the awarded amount, he has filed O.S.No.2091/88 for making the award rule of court and the Dept. filed O.P.No.281/89 seeking setting aside the award in the court of 1st Addl.Chief Judge, City Civil Court, Hyd. The said Court has passed judgement on 10-03-1999 dismissing the O.P. filed by the Dept. and decreed the suit of the Contractor in terms of the Award. The Dept. preferred CMA No. 1360 of 1997 against the dismissal of O.P. and C.R.P. No.4384 of 1997 against the Decree of the lower court before the Hon'ble High Court of A.P. The Hon'ble High Court in its common directions dated 06-07-2007 has directed both the parties to make an effort of conciliation to effect a settlement. As per the orders of the Hon'ble High Court, he has requested the Prl.Secretary to Government for settlement of the case.

2. Based on the common directions of the Hon'ble High Court dated 06-07-2007 and as per the representation of the contractor, the case has been referred to the Conciliation Committee for Telangana Region for amicable settlement, vide Govt. Memo. third read above.

3. The Engineer-in-Chief (IW/AW), Hyderabad, in the letter fourth read above, while furnishing Minutes of the meeting of the Conciliation Committee, dated 17.03.2009, he has stated that the Committee constituted for Telangana Region met on 17.03.2009. After negotiation with the Contractor, the Committee has recommended for an amount of Rs.14,30,375/- as full and final settlement of the Arbitration Award.

P.T.O.

4. Smt.D.Padmavathi, Advocate, Hyderabad, in the reference fifth read above, while furnishing notarized affidavit of Sri K. Jagannath Reddy, Contractor (wherein, the contractor has declared that he has given S.P.A. to Smt.D.Padmavathi), has informed the change of address for any intimation with regard to the case.

5. In compliance with the common directions of the Hon'ble High Court dated 06-07-2007 and as per the representation of the Contractor and based on the report of the Conciliation Committee for Telangana Region, the Prl.Secy. to Govt. held final conciliation with the SPA holder of the Contractor on 26-08-2009 and settled the Award for an amount of Rs.13,60,000/- as full and final settlement. Accordingly, the ENC (IW/AW), Hyderabad has obtained and furnished the notarized Affidavit from the SPA holder of the Contractor and furnished the same to the Govt. In her Notarized Affidavit, while expressing her acceptance of the settlement, Smt.D.Padmavathi, W/o.Sri Gurushanth Patel, SPA Holder of Sri K.Jagannath Reddy, Contractor has declared that she will withdraw all legal proceedings in respect of the above subject work against the Govt. of A.P. or its representative officer, if the said amount (i.e. Rs.13,60,000/-) is paid to her in token of settlement of the arbitration claims pending in courts.

6. After careful examination of the matter, Government hereby sanction an amount of Rs.13,60,000/- (Rupees thirteen lakhs and sixty thousand only) towards full and final settlement of the Arbitration Award dated 27-10-1988 to Sri K.Jagannath Reddy, Contractor in respect of the Earth Work Excavation and Forming Embankment of Kakatiya (G.S.Main) Canal from K.M.164.00 to K.M. 165.00 awarded to Sri K.Jagannath Reddy, Contractor vide L.S.Agt. No.3/1978-79, dated 05-12-1978.

7. The above sanctioned amount shall be debited to the following Head of Account:

- 2701 - M & M.I
- 01 - Major Irrigation
- 116 - Sriramsagar Project
- 11 - Normal state Plan
- 27 - Canals & Distribution
- 530 - Major works
- 531 - Other expenditure.

8. The Administrator-cum-Chief Engineer, Sriramasagar Project, M.J.Road, Hyderabad is directed to arrange to pay the amount sanctioned at para (6) above to Sri K.Jagannath Reddy, Contractor, duly deducting the amounts that are recoverable on whatsoever account.

9. This order issues with the concurrence of Finance (W&P) Department, vide their U.O.No.464/F4(2)/10-1, dated.19-02-2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.TUCKER
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Administrator-cum-Chief Engineer, Sriramasagar Project, M.J.Road,
Hyderabad.
The Director of Works Accounts, A.P., Hyderabad.

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Smt.D.Padmavathi, Advocate, SPA of Sri K.Jagannath Reddy, Contractor,
Flat No..204, H.No.3-6-123/124, Venkat Vihar Apartments, Himayatnagar, Hyderabad.

Copy to:

Finance (W&P) Dept. (with a request to release the LOC for the sanctioned
amount).

I & CAD (P&B) Department.

The Accountant General, A.P., Hyderabad.

The Government Pleader for Arbitration, High Court of A.P.,
High Court Buildings, Hyderabad.

S.C. S.F.

//Forwarded::Byorder//

SECTION OFFICER